

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. SECURITIES AND EXCHANGE COMMISSION,

**MEMO ENDORSED**

Plaintiff

v.

UNIVERSAL EXPRESS, INC.,  
RICHARD A. ALTOMARE,  
CHRIS G. GUNDERSON,  
MARK S. NEUHAUS,  
GEORGE J. SANDHU,  
SPIGA, LTD.,  
TARUN MENDIRATTA

Defendants.

CIVIL CASE  
MANAGEMENT PLAN  
(Judge Gerard E. Lynch)

04 Civ. 2322 (GEL)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 3/25/05  
DATE FILED: 3/25/05

After consultation with counsel for all parties, the following Case Management Plan is adopted.<sup>1</sup> This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The case is not to be tried by a jury. Scheduling of pre-trial practice should be arranged with a view to having the case ready for trial within approximately nine months of the initial pre-trial conference.
2. Joinder of additional parties must be accomplished by July 1, 2005.
3. Amended pleadings may be filed until August 1, 2005.
4. All discovery is to be completed by April 17, 2006. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the

<sup>1</sup> Defendants Universal Express, Altomare and Gunderson intend to file a motion to consolidate or transfer this matter. The Commission believes such consolidation or transfer would be prohibited by statute. If such motion is granted, the parties reserve the right to seek modification of this order. Moreover, any party's consent to this order does not waive the rights of any party in any other action.

discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.

- A. First request for production of documents, if any, to be served by May 23, 2005.
- B. Interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by May 23, 2005. No other interrogatories are permitted except upon prior express permission of the Court.
- C. Non-expert depositions are to be completed by January 31, 2006. Expert depositions are to be completed by April 17, 2006.
  - i. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - ii. Depositions are to be taken according to a schedule agreed to by the parties.
  - iii. No depositions shall be extended beyond two business days without prior leave of the Court.

iv. Depositions may be taken telephonically without further order of the court. Any party may attend any deposition in person.

D. Experts, if any, are to be designated and expert reports exchanged no later than March 7, 2006. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth above.

E. Requests to Admit, if any, are to be served no later than February 15, 2006.

5. Dispositive motions are to be served and filed by May 17, 2006.

Answering papers are to be served and filed by June 19, 2006.

Reply papers are to be served and filed by July 3, 2006.

All motions and applications shall be governed by the Court's Individual Practice Rules.

Note that, under the Court's Individual Practice Rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.

7. Counsel do not consent to trial by a U.S. Magistrate Judge.

8. A Status Conference is scheduled for 1/26/05, 2005 at 1 o'clock before the Court.

9. Trial is scheduled to begin on 1/26/05 at 1 o'clock.

NEXT CASE MANAGEMENT CONFERENCE Sept. 16, 2005 at 10:15 a.m.  
(To be completed by the Court)

SO ORDERED:

DATED: March 21, 2005  
New York, New York

Honorable Gerard E. Lynch  
United States District Judge